

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

October 24, 2008

**TO:** Commissioners and Alternates

**FROM:** Will Travis, Executive Director, (415/ 352-3653 [travis@bcdc.ca.gov](mailto:travis@bcdc.ca.gov))  
Leslie Lacko, Senior Planner (415/ 352-3646 [leslie@bcdc.ca.gov](mailto:leslie@bcdc.ca.gov))

**SUBJECT: Public Hearing and Vote to Initiate a Possible Amendment of the *San Francisco Bay Plan* to Address Climate Change**

(For Commission consideration on November 6, 2008)

## Staff Recommendation

The staff recommends that the Commission: (1) adopt the attached proposed descriptive notice to initiate the process of considering a possible amendment to the *San Francisco Bay Plan* (Bay Plan) that would address climate change by updating the findings and policies in several sections of the Bay Plan, including Safety of Fills, Tidal Marshes and Tidal Flats, Shoreline Protection, Mitigation, and Public Access and by adding a new climate change section with new findings and policies; and (2) schedule a public hearing for February 5, 2009, to consider the proposed amendment.

## Staff Report

BCDC first became concerned about the impacts of climate change on the Bay in 1988 when the Commission undertook a pioneering study on accelerated sea level rise and adopted findings and policies to account for sea level rise in all fill projects in the Bay. In 2001, the Commission adopted new policies on tidal marshes and tidal flats that require restoration projects to account for sea level rise. Other effects of increasing global temperatures on the Bay and shoreline were not understood in 1988. In addition to the increasing rate of global sea level rise, other changes in the last 20 years necessitate a broader approach that addresses the overall impacts of climate change on San Francisco Bay, including, but not limited to, accelerated sea level rise.

Since 1988, the United Nations Intergovernmental Panel on Climate Change (IPCC) was formed to report on the global impacts of climate change. The IPCC has now issued four reports assessing global climate change. The reports provide an overall assessment of the state of climate change science and offer information about future projections and policy areas that need to be addressed. The fourth assessment report strongly recommends developing adaptation strategies for the impacts of climate change, such as sea level rise, and indicates that coastal areas may experience a number of cumulative impacts from climate change. Most notably, the IPCC reports that there is evidence that climate change is already occurring.

In June of 2005, Governor Schwarzenegger signed Executive Order S-3-05 establishing aggressive greenhouse gas reduction targets for California. In 2006, California enacted AB 32, the Global Warming Solutions Act of 2006. The law codified the emissions reduction targets in EO S-3-05 and required a comprehensive program of regulatory and market mechanisms to achieve real, quantifi-



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able, cost-effective reduction of greenhouse gases. AB 32 also requires the state to develop a state-wide adaptation plan, which would include adaptation strategies for San Francisco Bay.

Also in 2006, the state issued the Climate Action Team (CAT) Report to the Governor, which reported on how the state will be impacted by climate change. The next CAT Report will be issued in the Spring of 2009. The Commission staff has reviewed draft documents that will be incorporated in the report. The 2009 report will contain projections for higher rates of sea level rise and new recommendations for adapting to climate change. These reports are one example of the continually increasing rate at which new scientific information is available, with new climate change projections and new recommendations for action.

In light of these changes, an update of the Bay Plan regarding climate change is needed to: (1) add a climate change section to the Bay Plan that includes findings and policies that address climate change adaptation and incorporate mechanisms for an iterative planning process to address rapidly changing environmental conditions and scientific information; (2) update the sea level rise findings and policies in several sections of the Bay Plan to be consistent with current information; and (3) add new policy language in the section on public access that requires public access projects to account for sea level rise.

Finally, the Bay Plan findings and policies addressing sea level rise that are currently located in the Safety of Fills policy section should be relocated. This section includes other findings and policies focused mainly on how to engineer and construct fill to conform to sound seismic standards. Though there are some similarities in engineering and constructing fill to withstand coastal hazards, the issues surrounding climate change-induced sea level rise are substantially different than seismic issues. The update of the sea level rise policies and the addition of new findings and policies pertaining to planning for climate change provide an opportunity to consolidate these policies in a new section of the Bay Plan.

The initiation of the proposed amendment would carry out one of the strategies in the Commission's adopted 2006-2010 San Francisco Bay Coastal Management Assessment and Strategy and would accomplish one of the Commission's 2008-2009 strategic plan objectives. The proposed Bay Plan Amendment would consist of: (1) a new climate change section in the Bay Plan that includes findings and policies that address climate change adaptation and incorporate mechanisms for an iterative planning process to address rapidly changing environmental conditions and scientific information; (2) an update to the sea level rise findings and policies in several sections of the Bay Plan to be consistent with current information, including Safety of Fills, Tidal Marshes and Tidal Flats, Shoreline Protection, and Mitigation; and (3) new policy language in the section on public access that requires public access projects to account for sea level rise.

#### **Commission Procedure**

Circulating a descriptive notice is the first step in the process of amending the Bay Plan. A notice of the proposed amendment is required by the McAteer-Petris Act (Government Code Section 66652) and Section 11000 of the Commission's regulations (California Administrative Code, Title 14, Division 5). If the attached proposed descriptive notice is approved by the Commission on November 6, 2008, a public hearing will be held on February 5, 2009. The staff will distribute a report on the proposed amendment with the staff's preliminary recommendation for the specific changes to the Bay Plan to all Commissioners, Alternates, and interested parties at least 30 days prior to the initial public hearing as required by the Commission's regulations (California Administrative Code, Title 14, Division 5, Section 11001). Upon conclusion of the public hearings, and after submission of the Executive Director's final recommendation, the Commission can vote upon the proposed plan changes. The descriptive notice must be mailed at least 30 days prior to the public hearings and the vote cannot take place earlier than 90 days from mailing the descriptive notice (Government Code Section 66652).

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## Descriptive Notice

November 7, 2008

### **Proposed San Francisco Bay Plan Amendment No. 1-08 Concerning Amendment of Various Sections of the Bay Plan to Address Climate Change and to Add A New Climate Change Section with New Findings and Policies**

**Notice** is hereby given that the San Francisco Bay Conservation and Development Commission will consider an amendment to the *San Francisco Bay Plan*. The proposed amendment would address climate change by updating several sections of the Bay Plan, including Safety of Fills, Tidal Marshes and Tidal Flats, Shoreline Protection, Mitigation, and Public Access and by adding a new climate change section with new findings and policies

A **Public Hearing** on the possible amendment will be held on **February 5, 2009** at the Ferry Building, in San Francisco, California, starting at 1:00 p.m. At least thirty days prior to the initial meeting, the staff will prepare and mail a staff report and preliminary recommendation on the proposed amendment. Interested persons may request the staff report and present written comments on or before January 26, 2009. Oral comments may be presented at the February 5, 2009 Commission meeting or thereafter as directed by the Commission.

This **Notice** is prepared in conformance with Section 66652 of the California Government Code, Section 11001 of Title 14, Division 5 of the California Code of Regulations, and Section 312 of the federal Coastal Zone Management Act of 1980. If, after the hearing, the Commission adopts an amendment to the *San Francisco Bay Plan* described in this notice and subsequent staff report, such amendment will be processed as a routine program change of the Commission's federally-approved coastal management program for San Francisco Bay. Any federal agency interested should, therefore, comment to the Commission on or before February 5, 2009.

Whether the Bay Plan should be amended as described above, and in what manner, will be the subject of the public hearing and Commission deliberations.

Further information concerning the proposed amendment can be obtained by contacting Leslie Lacko, Senior Planner, at the Commission's office, 50 California Street, Suite 2600, San Francisco, California 94111, telephone: (415) 352-3646, e-mail: [lesliel@bcdc.ca.gov](mailto:lesliel@bcdc.ca.gov).



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